

# HOUSE BILL No. 1044

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-18-2-204.5; IC 16-42-19.5.

**Synopsis:** Sale of ephedrine or pseudoephedrine. Permits ephedrine and pseudoephedrine to be dispensed only at a pharmacy by a licensed pharmacist. Permits the sale of more than 24 capsules of ephedrine or pseudoephedrine to one purchaser only if the purchaser presents photo identification and signs a receipt or record book. Makes unlawful dispensing of ephedrine or pseudoephedrine a Class D felony. Exempts ephedrine or pseudoephedrine that is in liquid form or dispensed upon a prescription from the dispensing restrictions.

**Effective:** July 1, 2005.

**Kersey**

January 4, 2005, read first time and referred to Committee on Courts and Criminal Code.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## HOUSE BILL No. 1044

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 16-18-2-204.5 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2005]: **Sec. 204.5. "Liquid ephedrine or**  
4 **pseudoephedrine" means a drug that:**

- 5 (1) **contains ephedrine or pseudoephedrine;**  
6 (2) **is in liquid, liquid capsule, or gel capsule form; and**  
7 (3) **has an active ingredient in addition to ephedrine or**  
8 **pseudoephedrine.**

9 SECTION 2. IC 16-42-19.5 IS ADDED TO THE INDIANA CODE  
10 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2005]:

12 **Chapter 19.5. Drugs: Sale of Ephedrine and Pseudoephedrine**

13 **Sec. 1. This chapter does not apply to:**

- 14 (1) **liquid ephedrine or pseudoephedrine; or**  
15 (2) **ephedrine or pseudoephedrine dispensed upon a**  
16 **prescription.**

17 **Sec. 2. A person may not sell a drug containing ephedrine or**

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1     pseudoephedrine unless the drug is dispensed:

2         (1) at a pharmacy having a valid pharmacy permit; and

3         (2) by a licensed pharmacist.

4     **Sec. 3. (a) A person may not sell more than twenty-four (24)**  
5     **capsules of a drug containing ephedrine or pseudoephedrine to one**  
6     **(1) purchaser in a twenty-four (24) hour period unless the**  
7     **purchaser:**

8         (1) presents valid photo identification containing the  
9         purchaser's date of birth; and

10        (2) signs a receipt or record book showing the:

11           (A) date of the transaction;

12           (B) name of the purchaser; and

13           (C) amount of the drug purchased.

14        (b) The receipt or record book described in subsection (a) may  
15        be released to a law enforcement officer in accordance with state  
16        and federal law.

17     **Sec. 4. A person who knowingly or intentionally violates section**  
18     **2 or 3 of this chapter commits unlawful sale of ephedrine or**  
19     **pseudoephedrine, a Class D felony.**

20     **Sec. 5. The Indiana board of pharmacy may adopt rules under**  
21     **IC 4-22-2 to implement and enforce this chapter.**

22     **SECTION 3. [EFFECTIVE JULY 1, 2005] IC 16-42-19.5, as added**  
23     **by this act, applies only to crimes committed after June 30, 2005.**

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